

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 09CV3162 (CM)(HBP)

SEAN THOMAS,

Plaintiff,

**PLAINTIFF'S PROPOSED
VERDICT SHEET**

-against-

THE CITY OF NEW YORK, SERGEANT STEPHEN
KELLY, shield #2057, POLICE OFFICER BRIAN SHEA,
shield #13360, POLICE OFFICER MICHAEL MORENO,
shield #5339, POLICE OFFICER LENNOX CORLETTE,
shield #2845, POLICE OFFICER OSCAR PEREZ,
shield #7650, POLICE OFFICER MICHAEL MCAULLIFE,
shield #1676, POLICE OFFICER THOMAS DEKOKER,
shield #15364, POLICE OFFICER ANGELA POLANCOBRITO,
shield #4956, SERGEANT SASHA ROSEN, shield #5061,

Defendants.

-----X

Your verdict in this case will be determined by your answers to the following questions. Make sure that you read the questions and notes carefully because they explain the order in which the questions should be answered and which questions may be skipped. Your general verdict and your answers to the special questions must be unanimous and must reflect the conscientious judgment of each juror.

1. Do you find by a preponderance of the evidence that the events surrounding plaintiff's arrest, particularly striking his hand with an object, grabbing him, throwing him to the ground in the snow, kicking him and stepping on his hair occurred substantially as plaintiff contends?

Striking his hand with an object? YES _____ NO _____

Grabbing him? YES _____ NO _____

Throwing him to the ground? YES _____ NO _____

Holding him in the snow? YES _____ NO _____

Kicking him? YES _____ NO _____

Stepping on his hair? YES _____ NO _____

2. Do you find by a preponderance of the evidence that any of the defendants committed an assault and battery upon the plaintiff?

YES _____ NO _____

3. Do you find by a preponderance of the evidence that defendants intentionally used excessive force against the plaintiff when arresting him?

YES _____ NO _____

If the answer to question 3 is "yes," proceed to question 4.

If the answer to the above question 3 is "no," please proceed to question 5.

4. If you answered yes to question 3, which defendant(s) used excessive force against the plaintiff when arresting him?

KELLY YES _____ NO _____

SHEA YES _____ NO _____

MORENO YES _____ NO _____

CORLETTE YES _____ NO _____

PEREZ YES _____ NO _____

MCAULLIFE YES _____ NO _____

DEKOKER YES _____ NO _____

POLANCOBRITO YES _____ NO _____

ROSEN YES _____ NO _____

5. Do you find by a preponderance of the evidence that defendants intentionally used excessive force against the plaintiff when handcuffing him?

YES _____ NO _____

If the answer to question 5 is "yes," proceed to question 6.

If the answer to the above question 5 is "no," please proceed to question 7.

6. If you answered yes to question 5, which defendant(s) used excessive force against the plaintiff when handcuffing him?

KELLY YES _____ NO _____

SHEA YES _____ NO _____

MORENO YES _____ NO _____

CORLETTE YES _____ NO _____

PEREZ YES _____ NO _____

MCAULLIFE YES _____ NO _____

DEKOKER YES _____ NO _____

POLANCOBRITO YES _____ NO _____

ROSEN YES _____ NO _____

7. Do you find by a preponderance of the evidence that defendants intentionally used excessive force against the plaintiff when taking him to the police vehicle?

YES _____ NO _____

If the answer to question 7 is "yes," proceed to question 8.

If the answer to the above question 7 is "no," please proceed to question 9.

8. If you answered yes to question 7, which defendant(s) used excessive force against the plaintiff when taking him to the police vehicle?

KELLY YES _____ NO _____

SHEA YES _____ NO _____

MORENO YES _____ NO _____

CORLETTE	YES_____	NO_____
PEREZ	YES_____	NO_____
MCAULLIFE	YES_____	NO_____
DEKOKER	YES_____	NO_____
POLANCOBRITO	YES_____	NO_____
ROSEN	YES_____	NO_____

9. Do you find by a preponderance of the evidence that defendants did not have probable cause to detain or arrest the plaintiff?

_____	_____
YES	NO

If the answer to question 9 is "yes," proceed to question 10.

If the answer to the above question 9 is "no," please proceed to question 11.

10. If you answered yes to question 9, which defendant(s) did not have probable cause to detain or arrest the plaintiff?

KELLY	YES_____	NO_____
SHEA	YES_____	NO_____
MORENO	YES_____	NO_____
CORLETTE	YES_____	NO_____
PEREZ	YES_____	NO_____
MCAULLIFE	YES_____	NO_____
DEKOKER	YES_____	NO_____
POLANCOBRITO	YES_____	NO_____
ROSEN	YES_____	NO_____

NO

12. State separately the amount of damages, if any, you award to the plaintiff from the time of the occurrence up to the date of your verdict for:

(b) Loss of earnings \$ _____

13. State the amount of damages, if any, you award to the plaintiff for future pain and suffering and emotional distress: \$

State the number of years the future pain and suffering will continue: _____

14. State the amount of economic damages, if any, you award to the plaintiff for future loss of earnings: \$ _____

State the number of years during which such loss will be incurred: _____

15. Do you find that any of the defendants acted with malicious intent to violate plaintiff's rights, or with callous or reckless disregard of plaintiff's rights, such that an award of punitive damages is warranted?

NO

If the answer to the above question 15 is “no,” you are to answer no further questions.

16. If you answered yes to question 15, indicate which defendant(s) acted with malicious intent to violate plaintiff's rights, or with callous or reckless disregard of plaintiff's rights, such that an award of punitive damages is warranted and the amount awarded. If you decide not to make an award of punitive damages, insert the word "none" next to that defendant's name.

MORENO

CORLETTE _____

PEREZ _____

MCAULLIFE _____

DEKOKER _____

POLANCOBRITO _____

ROSEN _____

FOREPERSON

DATE